

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Department of Information

#### Notification

DI/INF/Rgt. Inf. Bill/(3)/97

In exercise of the powers under clause (a) of section 2 of the Goa Right to Information Act, 1997 (Goa Act 1 of 1998) the Government of Goa hereby notifies, the authority/officer specified in the schedule appended hereto, as "Competent Authority" for the purpose of the said Act, in respect of the departments under their control.

By order and in the name of Governor of Goa.

*K. V. Prabhugaonkar*, Director of Information & Publicity  
& Ex-Officio Jt. Secretary.

Panaji, 23rd February, 1998.

#### SCHEDULE

#### Annexure

#### COMPETENT AUTHORITIES UNDER SECTION 2 (A) OF THE GOA RIGHT TO INFORMATION ACT, 1997 (I OF 1998)

- |   |  |
|---|--|
| 1. Director of Agriculture                      | 11. Director of Education                                  |
| 2. Director of Accounts                         | 12. Chief Engineer, Electricity                            |
| 3. Director of Animal Husbandry & Vet. Services | 13. Director of Employment                                 |
| 4. Director of Archives, Archaeology & Museum   | 14. Commissioner of Excise                                 |
| 5. Director of Art and Culture                  | 15. Chief Inspector, Factories and Boilers                 |
| 6. Director of Civil Supplies & Price Control   | 16. Director of Fire Service                               |
| 7. Collector, Collectorate, North Goa, Panaji   | 17. Director of Fisheries                                  |
| 8. Collector, Collectorate, South Goa, Margao   | 18. Conservator of Forest                                  |
| 9. Registrar of Co-operatives                   | 19. Director, Food & Drugs Administration                  |
| 10. Director, Craftsman Training                | 20. Executive Editor, Goa Gazetteer                        |
|   | 21. Director of Health Services                            |
|   | 22. Director of Industries & Mines                         |
|   | 23. Director of Information & Publicity                    |
|   | 24. Director of Institute of Psychiatry & Human Behaviours |
|   | 25. Chief Engineer, Irrigation                             |
|   | 26. Commissioner of Labour                                 |
|   | 27. Director of Municipal Administration                   |
|   | 28. District Registrar, Notary Services                    |
|   | 29. Director of Panchayats                                 |
|   | 30. Director of Planning & Statistics                      |
|   | 31. Inspector General of Police                            |
|   | 32. Captain of Ports Administration                        |
|   | 33. Director of Printing & Stationery                      |
|   | 34. Director of Prosecution                                |
|   | 35. Chief Engineer, Public Works Department                |
|   | 36. Director (Admn.), River Navigation                     |
|   | 37. Commissioner, Sales Tax                                |
|   | 38. Jt. Secretary, Science, Technology & Environment       |
|   | 39. Director of Settlement and Land Records                |
|   | 40. Director of Social Welfare                             |
|   | 41. Director of Sports and Youth Affairs                   |
|   | 42. Director of State Institute of Education               |
|   | 43. Director of Technical Education                        |
|   | 44. Director of Tourism                                    |
|   | 45. Chief Town Planner, Town and Country Planning          |
|   | 46. Director of Transport                                  |

47. Dy. Director, Vigilance
48. Controller, Weights and Measures (Legal Metrology)
49. Registrar, Administrative Tribunal
50. Curator, Central Library
51. Chief Engineer (Irrigation - Projects)
52. Chief Electoral Officer
53. Custodian, Evacuee Property
54. Principal, Goa College of Music
55. Principal, Goa College of Architecture
56. Principal, Goa College of Art
57. Resident Commissioner, Goa Sadan, New Delhi
58. Dean, Goa Dental College & Hospital, Bambolim
59. Principal, Goa College of Engineering Farmagudi
60. Principal, Goa College of Home Science, Panaji
61. Dean, Goa Medical College & Hospital, Bambolim
62. Principal, Goa College of Pharmacy
63. Principal, Government Polytechnic, Altinho
64. Commandant General, Home Guards and Civil Defence
65. Inspector General, Prisons
66. Secretary, Rajya Sainik Board
67. Chief Officer, Bicholim Municipal Council
68. Chief Officer, Canacona Municipal Council
69. Chief Officer, Cuncolim Municipal Council
70. Chief Officer, Curchorem-Cacora Municipal Council
71. Chief Officer, Mapusa Municipal Council
72. Chief Officer, Mormugao Municipal Council
73. Chief Officer, Margao Municipal Council
74. Chief Officer, Panaji Municipal Council
75. Chief Officer, Ponda Municipal Council
76. Chief Officer, Pernem Municipal Council
77. Chief Officer, Quepem Municipal Council
78. Chief Officer, Sanguem Municipal Council
79. Chief Officer, Valpoi Municipal Council
80. Secretaries of Village Panchayats for the respective Village Panchayats
81. Spl. Secretary, GA, Protocol & Home
82. Jt. Secretary, Finance
83. Jt. Secretary, Personnel
84. Jt. Secretary, Law
85. Member Secretary, Bal Bhavan
86. Managing Director, Economic Development Corporation
87. Secretary, Goa Board of Secondary & Higher Secondary Education
88. Managing Director, Goa Construction Housing and Finance Corporation
89. Managing Director, Goa State Backward Class Development Corporation
90. Managing Director, Goa Handicrafts Rural and Small Scale Industries Development Corporation
91. Managing Director, Goa Horticultural and Crops Plantation Development Corporation
92. Managing Director, Goa Housing Board
93. Managing Director, Goa, Daman and Diu Industrial Development Corporation
94. Chief Executive Officer, Goa, Daman & Diu Khadi and Village Industries Board
95. Managing Director, Goa Meat Complex
96. Secretary, Goa Public Service Commission
97. Member Secretary, Goa State Pollution Control Board
98. Member Secretary, Goa State Commission for Backward Classes
99. Managing Director, Goa Tourism Development Corporation
100. Registrar, Goa University
101. Secretary, State Election Commission
102. Managing Director, Kadamba Transport Corporation
103. Member Secretary, Kala Academy
104. Member Secretary, Konkani Academy
105. Director, Provedoria
106. Member Secretary, Planning & Development Authority North Goa
107. Member Secretary, Planning & Development Authority South Goa
108. Member Secretary, Planning & Development Authority, Vasco
109. Project Director, Rural Development Agency
110. Executive Director, Sports Authority of Goa
111. Registrar, District Forum for redressal of Consumers Disputes, North Goa District.
112. Registrar, District Forum for Redressal Consumers Disputes, South Goa District
113. Registrar, State Commission for Redressal of Consumers Disputes.

## Department of Law & Judiciary

### Legal Affairs Division

#### Notification

10-5-96/LA-Vol-II

The Presidential and Vice-Presidential Elections (Amendment) Act, 1997 (Central Act 35 of 1997) which has been passed by Parliament and assented to by the President of India on 29th August, 1997 and published in the Gazette of India, Extraordinary, Part II section I, dated 29th August, 1997 is hereby published for general information of the public.

*P. V. Kadneker*, Joint Secretary (Law).

Panaji, 5th January, 1998.

#### THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) ACT, 1997

AN

ACT

*further to amend the Presidential and Vice-Presidential Elections Act, 1952.*

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Presidential and Vice-Presidential Elections (Amendment) Act, 1997.

(2) It shall be deemed to have come into force on the 5th day of June, 1997.

2. *Amendment of section 5B.*— In section 5B of the Presidential and Vice-Presidential Elections Act, 1952 (hereinafter referred to as the principal Act), in sub-section (1),—

(i) in clause (a), for the words “ten electors” at both the places, where they occur, the words “fifty electors” shall be substituted;

(ii) in clause (b), for the words “five electors” at both the places, where they occur, the words “twenty electors” shall be substituted.

3. *Amendment of section 5C.*— In section 5C of the principal Act, in sub-section (1), for the words “two thousand five hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

4. *Repeal and saving.*— (1) The Presidential and Vice-Presidential Elections (Amendment) Ordinance, Ord. 13 of 1997, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

#### Notification

10-5-96/LA-Vol.II

The Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997 (Central Act 31 of 1997) which has been passed by Parliament and assented to by the President of India on 18th August, 1997 and published in the Gazette of India, Extraordinary, Part II, section I, dated 19th August, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 5th January, 1998.

#### THE DOCK WORKERS (REGULATION OF EMPLOYMENT) (INAPPLICABILITY TO MAJOR PORTS) ACT, 1997

AN

ACT

*to provide for inapplicability of the Dock Workers (Regulation of Employment) Act, 1948 to dock workers of major port trusts and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “appointed day”, in relation to a major port, means the date specified under section 3 for that major port;

(b) “Board” has the same meaning as in the Major Port Trusts Act, 1963; 38 of 1963.

(c) “Dock Labour Board” means a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948; 9 of 1948.

(d) “major port” has the same meaning as 15 of 1908. in the Indian Ports Act, 1908.

3. *Inapplicability of the provisions of the Dock Workers (Regulation of Employment) Act, 1948 to major ports.*— The Central Government may, after settlement is arrived at between the Dock Labour Board of any major port, its workmen and the management of that major port in accordance with the provisions of the Industrial Disputes Act, 1947, 14 of 1947, direct, by notification in the Official Gazette that the provisions of the Dock Workers (Regulation of Employment) Act, 1948 shall cease to have effect 9 of 1948. in relation to that major port with effect from the date specified in that notification.

4. *Transfer of assets and liabilities of the Dock Labour Board, etc., to the Board.*— (1) On the appointed day in relation to a major port,—

(a) all property, assets and funds vested in the Dock Labour Board immediately before such day, shall vest in the Board;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done, by, with or for the Dock Labour Board immediately before such day, for or in connection with the purposes of the Dock Labour Board, shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Board;

(c) all sums of money due to the Dock Labour Board immediately before such day shall be deemed to be due to the Board;

(d) all suits and other legal proceedings instituted by or against the Dock Labour Board immediately before such day for any matter in relation to the Dock Labour Board may be continued by or against the Board;

(e) every employee and worker serving under the Dock Labour Board shall hold office or service under the Board on the terms and conditions which are not in any way less favourable than those which would have been admissible to him if there had not been transfer of his services to the Board and shall continue to do so unless and until his employment in the Board is duly terminated or until his tenure, remuneration or terms and conditions of service are duly altered by the Board.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any employee under this section to the Board shall not entitle such employee to any compensation under that Act or any other law, and no such claim shall be entertained by any court, tribunal or other authority.

#### Notification

10-5-96/LA-Vol. II

The Indira Gandhi National Open University (Amendment) Act, 1997 (Central Act 32 of 1997) which has been passed by Parliament and assented to by the President of India on 29th August, 1997 and published in the Gazette of India, Extraordinary, Part II, section I, dated 29th August, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 5th January, 1998.

#### THE INDIRA GANDHI NATIONAL OPEN UNIVERSITY (AMENDMENT) ACT, 1997

AN

ACT

*to amend the Indira Gandhi National Open University Act, 1985.*

Be it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Indira Gandhi National Open University (Amendment) Act, 1997.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— In section 3 of the Indira Gandhi National Open University Act, 1985 (hereinafter referred to as the principal Act), to sub-section (2), the following proviso shall be added at the end, namely:—

“Provided that the University may, with the prior approval of the Visitor, also establish Study Centres outside India.”

3. *Amendment of section 6.*— In section 6 of the principal Act, after the words “whole of India”, the words “and to the Study Centres outside India” shall be added.

#### Notification

10-4-98/LA

The Representation of the People (Amendment) Ordinance, 1997 (Ordinance No. 23 of 1997), which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 23rd December, 1997, is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 8th January, 1998.

#### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 23rd December, 1997/Pausa 2, 1919  
(Saka)*

#### THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1997

No. 23 OF 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Representation of the People Act, 1951.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Substitution of new section for section 159 of Act 43 of 1951.*— For section 159 of the Representation of the People Act, 1951, the following section shall be substituted, namely—

“159. *Staff of certain authorities to be made available for election work.*— (1) The authorities specified in sub-section (2) shall, when so requested by a Regional Commissioner appointed under clause (4) of article 324 or the Chief Electoral Officer of the State make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

(2) The following shall be authorities for the purposes of sub-section (1), namely:—

(i) every local authority;

(ii) every university established by a Central, Provincial or State Act;

(iii) any other institution, concern or undertaking (not being an institution, a concern or an undertaking established under a Central Provincial or State Act or a company within the meaning of section 617 of the Companies Act, 1956) controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government.' 1 of 1956.

K. R. NARAYANAN,  
President.

RAGHBIR SINGH,  
Additional Secy. to the Govt. of India.

### Notification

10-4-98/LA

The Income-Tax (Amendment) Second Ordinance, 1997 (Ordinance No. 28 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 26th December, 1997 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 16th January, 1998.

### MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 26th December, 1997/Pausa 5, 1919  
(Saka)

### THE INCOME-TAX (AMENDMENT) SECOND ORDINANCE, 1997 No. 28 of 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Income-tax Act, 1961.

Whereas the Income-tax (Amendment) Ordinance, 1997 further to amend the Income-tax Act, 1961 was Promulgated by the President on the 16th day of September, 1997;

And Whereas the Income-tax (Amendment) Ordinance, 1997 could not be replaced by an Act of Parliament due to the dissolution of the House of the People;

And Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Income-tax (Amendment) Second Ordinance, 1997.

(2) Save as otherwise provided in this Ordinance, it shall be deemed to have come into force on the 16th day of September, 1997.

2. *Amendment of section 32.*— In section 32 of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act), in sub-section (1), with effect from the 1st day of April, 1998,—

(a) before clause (ii), the following clause shall be inserted, namely:—

“(i) in the case of assets of an undertaking engaged in generation or generation and distribution of power, such percentage on the actual cost thereof to the assessee as may be prescribed;”;

(b) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that where an asset referred to in clause (i) or clause (ii), as the case may be, is acquired by the assessee during the previous year and is put to use for the purposes of business or profession for a period of less than one hundred and eighty days in that previous year, the deduction under this sub-section in respect of such asset shall be restricted to fifty per cent. of the amount calculated at the percentage prescribed for an asset under clause (i) or clause (ii), as the case may be;”;

3. *Amendment of section 80-1A.*— In section 80-1A of the Income-tax Act,—

(a) in sub-section (1), after the words “commercial production of mineral oil in the North-Eastern Region”, the words, letters and figures “or in any part of India on or after the 1st day of April, 1997” shall be inserted with effect from the 1st day of April, 1998;

(b) in sub-section (2), in clause (iv), —

(i) in sub-clause (b), the following proviso shall be inserted with effect from the 1st day of April, 1998, namely:—

“Provided that in the case of an industrial undertaking set up in any part of India for the generation, or generation and distribution, of power, the period ending shall have effect as if for the figures “1998”, the figures “2000” had been substituted.”;

(ii) in sub-clause (c), after the words “specify in this behalf”, the words and letters “as industrially backward district of Category A or industrially

backward district of Category B and" shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1995;

(c) in sub-section (4E), after the words "North-Eastern Region", the words, letters and figures "or in any part of India on or after the 1st day of April, 1997" shall be inserted with effect from the 1st day of April, 1998;

(d) in sub-section (5), in clause (i), in sub-clause (b), after the proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 1995, namely:—

'Provided further that in case of an industrial undertaking located in Category B industrially backward district, the provisions of this clause shall have effect as if for the words "five assessment years", the words "three assessment years" had been substituted.';

(e) in sub-section (6),—

(A) for clause (ii), the following clauses shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April 1995, namely:—

"(ii) ten in the case of an assessee, not being a co-operative society, deriving profits and gains from an industrial undertaking specified in sub-clause (a) or sub-clause (b) or sub-clause (d) of clause (iv) of sub-section (2) or located in Category A backward districts specified in sub-clause (c) of clause (iv) of that sub-section;

(iii) eight in the case of an assessee deriving profits and gains from an industrial undertaking located in Category B districts specified in sub-clause (c) of clause (iv) of sub-section (2) and such an undertaking is not covered under clauses (i) and (ii) of this sub-section;"

(B) in clause (iv), the following proviso shall be inserted with effect from the 1st day of April, 1998, namely:—

'Provided that where the assessee begins operating and maintaining any infrastructure facility referred to in sub-clause (ii) of clause (ca) of sub-section (12), the provisions of this clause shall have effect as if for the word "twelve", the word "twenty" had been substituted;"

(C) in clause (viii), after the words "commercial production of mineral oil in the North-Eastern Region", the words, letters and figures "and other parts of the country on or after the 1st day of April, 1997" shall be inserted with effect from the 1st day of April, 1998;

(f) after sub-section (7), the following sub-section shall be inserted with effect from the 1st day of April, 1998, namely:—

"(7A) Notwithstanding anything contained in sub-section (4A), where housing or other activities are an integral part of the highway project and the profits of

which are computed on such basis and manner as may be prescribed, such profit shall not be liable to tax where the profit has been transferred to a special reserve account and the same is actually utilised for the highway project excluding housing and other activities before the expiry of three years following the year in which such amount was transferred to the reserve account; and the amount remaining unutilised shall be chargeable to tax as income of the year in which transfer to reserve account took place.";

(g) in sub-section (12), for clause (ca), the following clause shall be substituted with effect from the 1st day of April, 1998, namely:—

'(ca) "infrastructure facility" means—

- (i) a road, bridge, airport, port, rail system or any other public facility of a similar nature as may be notified by the Board in this behalf in the Official Gazette;
- (ii) a highway including housing or other activities being an integral part of the highway project; and
- (iii) a water supply project, irrigation project, sanitation and sewerage system;"

4. *Repeal and Saving.*— (1) The Income-tax Ord. 15 of (Amendment) Ordinance, 1997, is hereby repealed. 1997:

(2) Notwithstanding such repeal, anything done or any action taken under the Income-tax Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the Income-tax Act, as amended by this Ordinance.

K. R. NARAYANAN,  
President

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

#### Notification

10-4-98/LA

The Prasar Bharati (Broadcasting Corporation of India) Amendment Second Ordinance, 1997 (Ordinance No. 29 of 1997), which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 26th December, 1997 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 16th January, 1998.

**MINISTRY OF LAW AND JUSTICE**  
(Legislative Department)

*New Delhi, the 26th December, 1997/Pausa 5, 1919*  
(Saka)

**THE PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) AMENDMENT SECOND ORDINANCE, 1997**

No. 29 of 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance to amend the Prasār Bharati (Broadcasting Corporation of India) Act, 1990.

Whereas the Prasār Bharati (Broadcasting Corporation of India) Amendment Ordinance, 1997 was promulgated by the President on the 29th day of October, 1997;

And Whereas the House of the People has been dissolved and a Bill to replace the said Ordinance could not be introduced in the House of the People;

And Whereas the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give continued effect to the provision of the said Ordinance;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Prasār Bharati (Broadcasting Corporation of India) Amendment Second Ordinance, 1997.

(2) It shall deemed to have come into force on the 29th day of October, 1997.

2. *Substitution of new section for section 2.*— For section 2 of the Prasār Bharati (Broadcasting Corporation of India) Act, 1990 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

‘2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Akashvani” means the offices, stations and other establishments, by whatever name called, which, immediately before the appointed day, formed part of or were under the Director-General, All India Radio of the Union Ministry of Information and Broadcasting;

(b) “appointed day” means the date appointed under section 3;

(c) “Board” means the Prasār Bharati Board;

(d) “Broadcasting” means broadcasting by the Prasār Bharati;

(e) “Chairman” means the Chairman of the Corporation appointed under section 4;

(f) “Corporation” means the Prasār Bharati (Broadcasting Corporation of India) established under section 3;

(g) “Doordarshan” means the offices, kendras and other establishments, by whatever name called, which immediately before the appointed day, formed part of or were under the Directorate-General, Doordarshan of the Union Ministry of Information and Broadcasting;

(h) “Elected Member” means a Member elected under section 3;

(i) “Executive Member” means the Executive Member appointed under section 4;

(j) “Kendra” means any telecasting centre with studios or transmitters or both and includes a relay station;

(k) “Member” means a Member of the Board;

(l) “Nominated Member” means the Member nominated by the Union Ministry of Information and Broadcasting under section 3;

(m) “Non-lapsable Fund” means the Fund created from the commercial revenues of Akashvani and Doordarshan to meet expenditure on certain schemes;

(n) “Notification” means a notification published in the Official Gazette;

(o) “Part-time Member” means a Part-time Member of the Board appointed under section 4, but does not include an *ex officio* Member, the Nominated Member or an elected Member;

(p) “Prescribed” means prescribed by rules made under this Act;

(q) “Recruitment Board” means a board established under sub-section (1) of section 10;

(r) “Regulations” means regulations made by the Corporation under this Act;

(s) “Station” means any broadcasting station with studios or transmitters or both and includes a relay station;

(t) “Year” means the financial year.’

3. *Amendment of section 3.*— In section 3 of the principal Act,—

(a) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The Board shall consist of—

(a) a Chairman;

(b) one Executive Member;

(c) six Part-time Members;

(d) Executive Director (Finance), *ex officio*;

(e) Executive Director (Personnel), *ex officio*;

(f) Director-General (Akashvani), *ex officio*;

(g) Director-General (Doordarshan), *ex officio*;

(h) one representative of the Union Ministry of Information and Broadcasting, to be nominated by that Ministry; and

(i) two representatives of the employees of the Corporation, of whom one shall be elected by the engineering staff from amongst themselves and one shall be elected by the other employees from amongst themselves.”

(b) in sub-section (6), the proviso shall be omitted.

4. *Amendment of section 4.*— In section 4 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Chairman and the Part-time Members shall be persons of eminence in public life; the Executive Member shall be a person having special knowledge or practical experience in respect of such matters as administration, management, broadcasting, education, literature, culture, arts, music, dramatics or journalism.”

5. *Substitution of new section for section 6.*— For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. *Term of office, conditions of service, etc. of Chairman and other Members.*— The Chairman shall be a Part-time Member and shall hold office for a term of six years from the date on which he enters upon his office.

(2) The Executive Member shall be a Whole-time Member and shall hold office for a term of six years from the date on which he enters upon his office.

(3) The term of office of the Part-time Members shall be six years.

(4) The term of office of an elected Member shall be six years or till he ceases to be an employee of the Corporation, whichever is earlier.

(5) The Executive Member shall be an employee of the Corporation and as such shall be entitled to such salaries and allowances and shall be subject to such conditions of service in respect of leave, pension (if any), provident fund and other matters as may be prescribed.

(6) The Chairman shall be entitled to such allowances, honorarium and such other facilities as may be prescribed.

(7) Part-time Members shall be entitled to such allowances as may be prescribed.

(8) The Chairman, the Executive Member and other members except *ex officio* Members shall not be eligible for re-appointment.

(9) No person having any commercial interest, direct or indirect, in any broadcasting, advertising or programme producing agency shall be eligible for appointment as a Chairman, Executive Member or Part-time Member.”

6. *Amendment of section 7.*— In section 7 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove

the Chairman, Executive Member or any Part-time Member from his office if such Chairman, Executive Member or such Part-time Member—

(a) ceases to be a citizen of India; or

(b) is adjudged an insolvent; or

(c) is convicted of any offence involving moral turpitude; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of body or mind:

Provided that the President may, by order, remove the Chairman from his office if he engages during his term of office in any paid employment outside the duties of his office.”;

(b) in sub-section (4), for the words “any Whole-time Member, except any *ex officio* Member, the Nominated Member or any elected Member,” the words “the Executive Member” shall be substituted.

7. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (1), after the words and brackets “the Director-General (Doordarshan)”, the words and brackets, “the Executive Director (Finance), the Executive Director (Personnel)” shall be inserted.

8. *Amendment of section 10.*— In section 10 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Corporation shall, as soon as may be, after the appointed day and in such manner and subject to such conditions and restrictions as may be prescribed, establish for the purposes of section 9, one or more Recruitment Boards:

Provided that the Union Public Service Commission shall continue to discharge its functions relating to recruitment of officers and employees of the Corporation which was being discharged immediately before the appointed day till the recruitment Board is constituted for such categories of officers and employees of the Corporation.”.

9. *Amendment of section 11.*— In section 11 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) the provisions of sub-section (1) shall not apply to any of the officers or employees not borne on the cadres of Akashvani and Doordarshan:

Provided that officers from the Indian Information Service, Central Secretariat Service, Central Secretariat Stenographers' Service, Central Secretariat Clerical Service borne on the cadre of the Ministry of Information and Broadcasting, equal in number of their cadre posts borne on the strength of Akashvani and Doordarshan immediately before the appointed day may be absorbed by the Corporation after following such procedure as may be prescribed:

Provided further that the members of Indian Information Service and other services working in Akashvani and Doordarshan immediately before the appointed day and not borne on the cadres of Akashvani and Doordarshan shall be deemed to be on deputation on such terms and conditions and till such time as may be finalised by the Corporation in consultation with the respective cadre controlling authorities.”;

(b) in sub-section (5), the third proviso shall be omitted.

10. *Amendment of section 12.*— In section 12 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to organise and conduct public service broadcasting to inform, educate and entertain the public.”;

(b) in sub-section (2), in clause (n), for the words “broadcast frequencies available”, the words “broadcasting frequencies made available for public service broadcasting” shall be substituted;

(c) in sub-section (3), in clause (c), the words “and to establish procedures for the allocation of such programmes, rights or privileges to the services,” shall be omitted;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) In order to achieve its objectives, the Corporation may formulate its own programme and advertisement codes, fix such limits on broadcasting of advertisements as considered necessary to ensure that adequate time is made available for the promotion of the objectives of the Prasar Bharati.

*Explanation.*— For the removal of doubts, it is hereby declared that the programme and advertisement codes or limits on broadcasting of advertisement shall be in addition to and not in derogation of any programme and advertisement codes or limits on broadcasting of advertisements specified by or under any other law for the time being in force.”;

(e) in sub-section (7),—

(i) the word “service” shall be omitted;

(ii) the proviso shall be omitted.

11. *Omission of sections 13 to 15.*— Sections 13 to 15 of the principal Act shall be omitted.

12. *Amendment of section 16.*— In section 16 of the principal Act, for clause (a), the following clauses shall be substituted, namely:—

“(a) all property and assets which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation on perpetual lease on payment of a nominal fee of rupee one per annum.

(aa) the Non-lapsable Fund which immediately before that day vested in the Central Government for the purpose of Akashvani or Doordarshan or both shall stand transferred to the Corporation.”.

13. *Substitution of new section for section 25.*— For section 25 of the principal Act, the following section shall be substituted, namely:—

“25. *Report to Parliament in certain matters and recommendations as to action against the Board.*— (1) Where the Board persistently makes default in complying with any directions issued under section 23 or fails to supply the information required under section 24, the Central Government shall give a reasonable opportunity to the Board to show cause as to why it should not be superseded and shall consider the objections, if any, of the Board.

(2) The Central Government after considering objections, if any, of the Board, may propose to supersede the Board and if it so proposes, shall prepare a report and lay it before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions.

(3) If, before the expiry of the session immediately following the session or the successive sessions referred in sub-section (2), both Houses agree to supersede the Board, the President may by notification supersede the Board for such period not exceeding six months, as may be specified in the notification.

(4) Upon the publication of the notification under sub-section (3),—

(a) all the Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act be exercised or discharged by or on behalf of the Board, shall, until the Board is reconstituted under this Act, be exercised and discharged by such person or persons as the President may direct.

(5) On the expiration of the period of supersession specified in the notification issued under sub-section (3), the President may reconstitute the Board by fresh appointments, and in such a case any person who had vacated his office under clause (a) of sub-section (4) shall not be disqualified for appointment.

(6) The Central Government shall cause the notification issued under sub-section (3) and a full report of the action taken under this section to be laid before each House of Parliament.”.

14. *Omission of section 26.*— Section 26 of the principal Act shall be omitted.

15. *Substitution of new sections for sections 27 and 28.*— For sections 27 and 28 of the principal Act, the following sections shall be substituted, namely:—

“27. *Chairman, Members, etc., to be public servants.*— The Chairman and every other Member, every officer or other employee of the Corporation

and every member of a committee thereof, and every member of a Recruitment Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

28. *Protection of action taken in good faith.*— No suit or other legal proceeding shall lie against the corporation, the Chairman or any Member or officer or other employee thereof or a member of a Recruitment Board for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.”.

16. *Substitution of new section for section 31.*— For section 31 of the principal Act, the following section shall be substituted, namely:—

“31. *Annual report.*— The Corporation shall prepare once in every year, in such form and within such time as may be prescribed, an annual report giving a full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.”.

17. *Amendment of section 32.*— In section 32 of the principal Act, in sub-section (2),—

(i) in clause (a), for the words, brackets and figures “Whole-time Members under sub-section (7) of section 6”, the words, brackets and figures “Executive Member under sub-section (5) of section 6” shall be substituted;

(ii) for clause (b), the following clauses shall be substituted, namely:—

“(b) the allowances payable to and facilities admissible to the Chairman under sub-section (6) of section 6;

(ba) the allowances payable to the Part-time Members under sub-section (7) of section 6;”;

(iii) for clause (f), the following clause shall be substituted, namely:—

“(f) the procedure for absorption of officers under sub-section (2) of section 11;”;

(iv) clauses (g) and (h) shall be omitted;

(v) clauses (i), (j), (k) and (l) shall be re-lettered as clauses (g), (h), (i) and (j);

(vi) for the clause (i) so re-lettered, the following clause shall be substituted, namely:—

“(i) the form in which, and the time within which, the Corporation shall prepare its annual report under section 31.”.

18. *Amendment of section 33.*— In section 33 of the principal Act, in sub-section (2), clause (h) shall be omitted and clause (i) shall be re-lettered as clause (h).

19. *Repeal and saving.*— (1) The Prasar Bharati (Broadcasting Corporation of India) Amendment Ordinance, 1997 is hereby repealed. Ord. 22 of 1997.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance so repealed, shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

K. R. NARAYANAN,  
President

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

### Corrigendum

In the Representation of the People (Amendment) Ordinance, 1997 (Ord. 23 of 1997) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 23rd December, 1997 (Issue No. 60), at page 2, in line 13, for “vided”, read “provided”.

### Notification

10-4-98/LA(6)

The Representation of the People (Amendment) Ordinance, 1998 (Ordinances No. 3 of 1998) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 22nd January, 1998 is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 6th February, 1998.

### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd January, 1998/Magha 2, 1919  
(Saka)

### THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1998

No. 3 of 1998

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Representation of the People Act, 1951.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Representation of the People (Amendment) Ordinance, 1998.

(2) It shall come into force at once.

2. *Amendment of section 60 of Act 43 of 1951.*— In the Representation of the People Act, 1951, in section 60, after clause (b), the following clause shall be inserted, namely:—

“(c) any person belonging to a class of persons notified by the Election Commission in consultation with the Government to give his vote by postal ballot, and not in any other manner, at an election in a constituency where a poll is taken subject to the fulfilment of such requirements as may be specified in those rules.”

K. R. NARAYANAN,  
President

RAGHBIR SINGH,  
Secy. to the Govt. of India.

#### Corrigendum

In the Essential Commodities (Special Provisions) Second Ordinance, 1998 (Ord. 1 of 1998) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 2nd January, 1998 (Issue No. 1), at page 2, in line 15, for “amendments”, read “amendments”.

### Department of Panchayat Raj and Community Development

Directorate of Panchayats

#### Notification

2/DP/DR/MR/97

Whereas the draft of the Goa Panchayats (Meetings) (First Amendment) Rules, 1997 was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act, 14 of 1994) at pages 569 to 570 of the Official Gazette, Series I No. 32 dated 6-11-1997 under Notification No. 2/DP/DR/MR/97 dated 27-10-1997 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date of publication of the said Notification in the Official Gazette.

And Whereas the said Gazette was made available to the public on 6th November 1997.

And Whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, Therefore, in exercise of the powers conferred by sections 52 and 54, read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayats (Meetings) (First Amendment) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of rule 3.*— In rule 3 of the Goa Panchayats (Meeting) Rules, 1996 (hereinafter called the principal Rules), for the word “month”, the word “fortnight” shall be substituted.

3. *Amendment of Rule 5.*— For rule 5 of the Principal Rules, the following shall be substituted, namely:—

“5. *Consideration of motion of no confidence.*— A notice of motion of no confidence against a Sarpanch of a Deputy Sarpanch under sub-section (1) of section 51 of the Act shall be delivered to the Block Development Officer during office hours in Form “B” appended to these Rules. A copy of such notice shall also be delivered to the Secretary of the Panchayat concerned. The Secretary, on receiving such notice, shall acknowledge the same under his signature with date.

(2) The Block Development Officer, on receiving the notice under sub-rule (1), shall convene a special meeting of the Panchayats to consider the motion of no confidence within fifteen days from the receipt of notice thereof in his office. Intimation for convening a special meeting shall be given by the Block Development Officer to the Secretary of the Panchayat in Form “C” appended to these Rules.

(3) The Secretary of the Panchayat shall, on receiving the intimation under sub-rule (2), send or cause to be sent to all members of Panchayat, at least three clear days before the date of special meeting for considering the no confidence motion, intimation of the place, date and time of meeting. Such intimation shall be in Form “A” appended to these Rules.

(4) The Block Development Officer, if himself/herself is unable to attend the special meeting as observer, shall appoint any official from his/her office or from any other Government office/s of the Taluka Head Quarters as observer to attend the special meeting. The observer so appointed shall have no right to take part in the proceedings of the special meeting.

(5) When a Panchayat takes a decision on the motion of no confidence against the Sarpanch or Dy. Sarpanch, the Secretary shall immediately write the proceedings of the meeting in the minutes book of the Panchayat and shall forthwith furnish a copy of the proceedings of the meeting to the Block Development Officer.”

4. *Amendment of rule 10.*— In rule 10 of the principal Rules for sub-rule (1), the following shall be substituted, namely:—

“(1) Every meeting of the Panchayat shall be open to the public unless the Panchayat unanimously decides that any enquiry before or deliberations of the Panchayat shall be held in camera”.

5. *Insertion of new Form.*— After Form “B” appended to the Principal Rules, the following shall be inserted, namely:—

“Form ‘C’ ”

[See rule 5 (2)]

No. \_\_\_\_\_

Office of the Block Development  
Officer \_\_\_\_\_

Date:—

Read:— Notice of No Confidence Motion dated \_\_\_\_\_  
signed by \_\_\_\_\_ members of  
\_\_\_\_\_ Village Panchayats.

In exercise of the powers conferred by sub-section (2) of section 51 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), read with sub-rule (2) of rule 5 of the Goa Panchayats (Meetings) Rules, 1996, I, \_\_\_\_\_

Block Development Officer, \_\_\_\_\_  
Taluka/Block, do hereby convene a special meeting of the  
\_\_\_\_\_ Village Panchayat to

consider the no confidence motion against Shri/Smt. \_\_\_\_\_ to be held on  
(Sarpanch and or Dy. Sarpanch)

\_\_\_\_\_ at \_\_\_\_\_ and direct the  
(date) (time)

Secretary of Village Panchayat to intimate all the members of the Panchayat accordingly as required under sub-rule (3) of rule 5 of the said rules.

Office Seal.

Signature of Block Development  
Officer, with date.

To,

The Secretary of \_\_\_\_\_  
Village Panchayat

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint  
Secretary.

Panaji, 12th February, 1998.

#### Corrigendum

In the Goa Municipalities (Second Amendment) Act, 1997 published in the Official Gazette, Series I No. 45 dated 5-2-1998 at page 835, below the title for the words, brackets and figures “(Goa Act No. 7 of 1998) [22-7-1998]”, read “(Goa Act No. 7 of 1998) [22-1-1998]”.